

January 2006

## Information Paper

**Subject:** "Office" Golf Tournaments

1. **Purpose.** To advise HQ TRADOC directorates and offices about appropriate methods to conduct "office" golf tournaments.

2. **Background.** Organizations conducting annual golf tournaments need to be aware of the ethical and legal issues surrounding these activities. Two typical approaches involve 1) allowing a private organization (PO) that has made a proper request to host the tournament independent of the government or 2) conducting the tournament as an official function. A third option, although not typically used, is securing MWR to sponsor the event (although the logistics involved with such an arrangement may not be best suited for an "office" event, because an MWR sponsored event is a recreational activity). This Information Paper will explore all three approaches after first outlining several legal concerns when undertaking such an event.

### 3. **Potential Legal Pitfalls:**

a. Solicitation: When organizing a golf tournament, it is often desirable to provide prizes to the participants. A typical approach in obtaining these prizes involves soliciting for donations from among the local community businesses; however, the Joint Ethics Regulation strictly prohibits government employees from soliciting for gifts in their official capacities for their personal use. Only unsolicited gifts may be accepted, and even then only within restricted limits. Soldiers may not solicit gifts for the government.

b. Fundraising: Fundraising efforts by government employees -- to include soliciting money, donations, or gifts -- may only be done pursuant to statute or regulation for activities such as the Combined Federal Campaign, Army Emergency Relief, and emergency and disaster appeals approved by the Office of Personnel Management. Accordingly, fundraising by government employees in their official capacity as government employees is prohibited.

c. Attendance During Duty Hours: Military personnel, civilian personnel, and contractors all have different criteria for allowing participation in these events during duty hours. You must comply with AR 600-8-10 for military personnel, civilian personnel leave regulations, and the underlying contract for contractor personnel. With regard to contractor personnel, one can hardly imagine an event where it would be proper to invite contractor support personnel to attend a golf outing as part of their contractor duties. In most cases, contractor personnel will attend in their personal capacity. Even so, the government should be cautious whether contractor attendance creates an appearance of favoritism or creates a potential procurement issue. For example, if there is a support contract that is going to be renewed. There are currently two support contractors - A and B. Contractor A wants all of their employees to attend the golf outing, ostensibly in an attempt to build good will between its contractor employees and the government employees who will take part in proposal evaluation. Contractor B does not authorize its employees to play and keeps them at work, performing valuable services while others are at play.

d. Organizational and Administrative Support: Another highly regulated area is the degree of official support that can be provided to a golf tournament. Typically, government employees should not spend a significant amount of duty time preparing for golf tournaments, even where the golf outing is considered official. If a private organization will host the golf event, support must be in the form of logistical support under JER 3-211. MWR events should be supported by the MWR staff.

e. Mixing and Matching: It is imperative to select one method for conducting a golf tournament best suited to the circumstances of the organization involved and to stick to that method. Legal issues will always come into play if the organization begins to "mix and match" permissible actions from different methods of conducting the tournament.

**4. Private Organization Sponsorship of Golf Tournaments:** Many offices are supported by POs established IAW AR 210-22, Private Organizations on Department of the Army Installations. You may use a PO to host a golf tournament. For example, the TRADOC Office of the Staff Judge Advocate (OSJA) may turn to a PO, such as the OSJA Association, to conduct the "OSJA Association Golf Tournament." By using a PO to host the golf tournament, the PO may fundraise IAW AR 210-22. Remember, this golf tournament

"belongs" to the PO; any support or connection that members of a particular directorate have to the event would be in their unofficial capacities, and any decisions regarding management of the tournament belong to the PO.

a. Fundraising: Members of POs acting in their personal capacity as members of the PO (and not in their official capacity) may engage in fundraising, provided they do not:

(1) Solicit from subordinates, or solicit from a company or organization known to be a "prohibited source" (someone who does business with the Army or is seeking to do so);

(2) Use or permit the use of official titles, positions, or any authority associated with public offices to further the fundraising effort.

b. On-Post Fundraising: If any part of the fundraising is conducted on post, the PO must first obtain approval from the Garrison Commander by submitting a request to Office of the Garrison Commander (ATTN: Administrative Office, x2175, Bldg. 77).

c. Attendance During Duty Hours: In order to attend a PO-sponsored golf tournament, military personnel must be in a leave or pass status IAW AR 600-8-10, Leaves and Passes. Civilian personnel should use annual leave or compensatory time off. Contractors must use vacation or compensatory time off; supervisors must coordinate with the appropriate contracting officer's representative to determine what options are permissible under the contract to allow attendance.

d. Organizational and Administrative Support: Generally, only members of the PO should be used to prepare for the golf tournament. If, however, there are members of the PO who are also government employees, they may provide support while at work, but they should only provide such support during non-duty time (e.g., during lunch, after duty hours). Government employees cannot use official time or personnel to organize or prepare for the golf tournament unless such support is authorized by the head of the directorate. On a limited basis, the head of a TRADOC component or organization can provide logistical support, including the use of TRADOC facilities and equipment (and the services of TRADOC employees necessary to make proper use of the equipment), as logistical support of an event sponsored by a PO, except for fundraising and membership

drive events, when the head of the TRADOC command or organization determines all of the following:

(1) The support does not interfere with the performance of official duties and would in no way detract from readiness;

(2) TRADOC community relations with the immediate community and/or other legitimate DoD public affairs or military training interests are served by the support;

(3) It is appropriate to associate TRADOC with the event;

(4) The event is of interest and benefit to the local civilian community, TRADOC, or any other part of DoD;

(5) The TRADOC organization or command is able and willing to provide the same support to comparable events that meet the criteria of this subsection and are sponsored by other similar non-Federal entities;

(6) The use is not restricted by other statutes that limit support that is not based on customary community relations or public affairs activities or regulations; and

(7) No admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the event, no admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the portion of the event supported by TRADOC, or TRADOC support to the event is incidental to the entire event in accordance with public affairs guidance.

If the golf tournament is a fundraising event (for example, if funds are raised from other than PO members with the intent that the proceeds of the golf tournament go to a charitable cause), then TRADOC personnel/assets cannot be used to provide logistical support. Coordinate with OSJA TRADOC ([ATJA@monroe.army.mil](mailto:ATJA@monroe.army.mil) or x2302) before committing logistical support to a PO-sponsored golf tournament.

e. PO Establishment: Before operating on installations, POs must request and receive written permission from the Garrison Commander. To do this, the PO must submit a request to the Financial Management Division, MWR (x4115).

f. Additional Restrictions: The following restrictions apply when POs are hosting/organizing golf tournaments:

(1) Official letterhead may not be used for any correspondence concerning the event.

(2) Government employees cannot use official duty titles in their signature blocks.

(3) Titles, positions, or organization names may not be used in any way to suggest official endorsement or preferential treatment of any PO or non-Federal entity. Any correspondence from the PO should include language along these lines: [Name of the PO] is a private organization composed of employees of the [name of the unit/organization] who have voluntarily chosen to join this organization. The [name of PO] is not supported or endorsed by the Army."

**5. Golf Tournament as an Official Function:** Directorates and offices may host golf tournaments as official office functions (such as part of the unit organizational day), although there are a number of restrictions that must be observed.

a. Solicitation: A directorate or office may not solicit local businesses, MWR, or AAFES for donations to their golf tournaments. Only unsolicited gifts may be accepted, and even then only within restricted limits. Be mindful that the activity members should pay for the expenses of the golf tournament, not the local community. With this understanding, funds to pay for prizes and gifts should ordinarily be raised as part of the participation fee.

b. Fundraising: A directorate or office may raise money to reduce the cost of a golf tournament. The general rule is "no fundraising in the federal workplace." However, an exception exists for office events if the money is to be raised only from among the members of the group for their own benefit, and when approved by the head of the organization and Garrison Commander after consultation with an ethics counselor.

c. Attendance During Duty Hours: Military personnel attending a golf tournament held as an official function may be considered on duty if the event is designated as an alternate place of duty. Civilian personnel may participate in a duty status if the event is designated as an alternate place of duty. Otherwise, civilian personnel should use annual leave or compensatory time off. Contractors must use vacation or compen-

satory time off; supervisors must coordinate with the appropriate contracting officer's representative to determine what options are permissible under the contract to allow attendance.

d. Organizational and Administrative Support:

Preparations for office golf tournaments may occur on government time if approved in advance by the supervisor. Supervisors may permit use of duty time, within reasonable limits, for preparations by a committee or chairperson. However, preparing for the golf tournament should not become a significant part of any employee's duties.

e. Commanders or heads of the directorate should establish an informal fund to pay the expenses for the golf tournament. The use of the fund is limited to the purpose for which it is established. One person should be designated for fund custody, accounting, and documentation. See AR 600-20, Command Policy, paragraph 4-21, Informal Funds.

6. **MWR Sponsorship of a Golf Tournament:** MWR is another avenue to pursue commercial sponsorship for the event; however, this would require convincing MWR that this event is worth MWR sponsorship. Additionally, MWR would only consider sponsoring the event if the entire MWR community is invited to participate; accordingly, this may not meet the intent of separate offices and directorates in hosting their "own" golf tournaments.

7. Participation in any golf tournament by military personnel, civilian employees, and contractors must always be voluntary.

CPT Courie/ATJA/2302

Approved by \_\_\_\_\_